

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

RONALD E. RING,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-15-1300-F
)	
ART LIGHTLE, Warden,)	
)	
Respondent.)	

ORDER

On January 12, 2016, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation, wherein he recommended that Respondent’s Motion to Dismiss be granted and petitioner’s Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 be dismissed as time-barred.

Presently before the court is petitioner’s objection to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1), the court has conducted a de novo review of the matter. Having done so, the court concurs with the analysis and recommendation of Magistrate Judge Purcell. The court finds petitioner’s objection without merit. Therefore, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

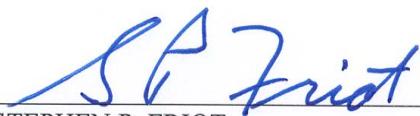
The district court is required to “issue or deny a certificate of appealability when it enters a final order adverse to the [petitioner]” in 28 U.S.C. § 2254 proceedings. Rule 11(a), Rules Governing Section 2254 Cases in the United States District Courts. Section 2253(c) of Title 28 of the United States Code instructs that the court may issue a certificate of appealability “only if the [petitioner] has made a substantial showing of the denial of a constitutional right,” and the court indicates

“which specific issue or issues satisfy [that] showing.” 28 U.S.C. § 2253(c)(2) and (3). A petitioner can satisfy that standard by demonstrating that the issues raised are debatable among jurists, that a court could resolve the issues differently, or that the questions deserve further proceedings. Slack v. McDaniel, 529 U.S. 473, 484 (2000) (citing Barefoot v. Estelle, 463 U.S. 880, 893 (1983)). Because the court’s ruling in the instant case was based on procedural grounds, the petitioner must demonstrate that “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” Slack, 529 U.S. at 484.

Having considered the record in this case, the court concludes that petitioner has failed to satisfy the second prong of the required showing, i.e., the court’s procedural ruling is debatable or incorrect.

Accordingly, the Report and Recommendation of United States Magistrate Judge Gary M. Purcell issued on January 12, 2016 (doc. no. 13) is **ACCEPTED**, **ADOPTED** and **AFFIRMED**. Respondent’s Motion to Dismiss Petition for Habeas Corpus as Time Barred by the Statute of Limitations, filed December 21, 2015 (doc. no. 9) is **GRANTED**. Petitioner’s Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody is **DISMISSED** as time-barred under 28 U.S.C. § 2244(d)(1). A certificate of appealability is **DENIED**.

DATED February 19, 2016.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE